

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ALEXANDER BELYA,

Plaintiff,

-against-

HILARION KAPRAL a/k/a METROPOLITAN
HILARION; NICHOLAS OLKHOVSKIY; VICTOR
POTAPOV; SERGE LUKIANOV; DAVID STRAUT;
ALEXANDRE ANTCHOUTINE; MARK MANCUSO;
GEORGE TEMIDIS; SERAFIM GAN; PAVEL
LOUKIANOFF; BORIS DMITRIEFF; EASTERN
AMERICAN DIOCESE OF THE RUSSIAN
ORTHODOX CHURCH OUTSIDE OF RUSSIA; THE
SYNOD OF BISHOPS OF THE RUSSIAN
ORTHODOX CHURCH OUTSIDE OF RUSSIA, and
JOHN DOES 1 through 100,

Defendants.

**DECLARATION IN
SUPPORT OF MOTION
TO STRIKE AND/OR
PRECLUDE**

Case No.: **20-cv-6597**

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DONALD J. FEERICK, JR., hereby declares the following under the penalties of perjury:

1. I am a member of Feerick Nugent MacCartney PLLC, the attorneys of record for the Defendants HILARION KAPRAL a/k/a METROPOLITAN HILARION; NICHOLAS OLKHOVSKIY; VICTOR POTAPOV; SERGE LUKIANOV; DAVID STRAUT; ALEXANDRE ANTCHOUTINE; MARK MANCUSO; GEORGE TEMIDIS; SERAFIM GAN; BORIS DMITRIEFF; EASTERN AMERICAN DIOCESE OF THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA; THE SYNOD OF BISHOPS OF THE RUSSIAN ORTHODOX CHURCH OUTSIDE OF RUSSIA ("Defendants") in the above-captioned action, and as such, I am fully familiar with the facts and circumstances presented herein.

2. I respectfully submit this Declaration in support of Defendants' motion for an Order, pursuant to Federal Rules of Evidence Rules 702 and 403, striking the report and preclude the testimony at trial of Plaintiff Alexander Belya's ("Plaintiff" or "Father Alexander") purported damages expert, Sameer Somal, in full or in part.

3. I respectfully submit this Declaration based upon a review of documentary evidence in the possession of my client and my Office, upon my Office's participation in the discovery exchanges at issue, and upon the various admissions of Plaintiff's purported damages expert, Sameer Somal, at his deposition.

DOCUMENTARY EVIDENCE

4. Defendants respectfully refer the Court to the true and correct copies of the following exhibits, upon which Defendants the instant motion.

5. Annexed hereto as Exhibit "A" is a copy of the Plaintiff's First Amended Complaint filed on May 20, 2021. (*See also* ECF No. 48).

6. Annexed hereto as Exhibit "B" is a copy of the Defendants' Answer filed on July 13, 2021 (*See also* ECF No. 58).

7. Annexed hereto as Exhibit "C" is a copy of the ROCOR Regulations.

8. Annexed hereto as Exhibit "D" is a copy of the Redacted Minutes of the ROCOR Synod of Bishops conclave held on December 6-8, 2018, in the English language, detailing the two times that Father Alexander's candidacy was considered and addressed.

9. Annexed hereto as Exhibit "E" is a copy of the ROCOR Synod of Bishops' decree, dated June 27, 2019, withdrawing Plaintiff's candidacy for bishop, in the English and Russian languages.

10. Annexed hereto as Exhibit “F” is a copy of the Greek Orthodox Church of America’s (“GOA”) written acknowledgement of receipt of Plaintiff’s petition to change his jurisdictional affiliation from ROCOR to the GOA, dated September 2, 2019.

11. Annexed hereto as Exhibit “G” is a copy of the EAD Council letter signed by the individual defendants and addressed to the ROCOR Synod of Bishops and Metropolitan, dated September 3, 2019, in the English and Russian languages.

12. Annexed hereto as Exhibit “H” is a copy of the EAD’s decree, dated September 3, 2019, which initially suspended Father Alexander.

13. Annexed hereto as Exhibit “I” is a copy of the Father Alexander’s appeal of the EAD’s September 3, 2019 decree which initially suspended Father Alexander, dated September 6, 2014; the appeal was taken to the ROCOR Synod of Bishops and Metropolitan.

14. Annexed hereto as Exhibit “J” is a copy of the EAD’s decree extending Father Alexander’s temporary suspension, dated September 14, 2019.

15. Annexed hereto as Exhibit “K” is a copy of the ROCOR Synod of Bishops decision and order defrocking Father Alexander, dated February 18, 2020.

16. Annexed hereto as Exhibit “L” is a copy of the Expert Report, with appendices, of Plaintiff’s purported damages expert Sameer Somal.

17. Annexed hereto as Exhibit “M” is a copy of the Deposition Transcript of Sameer Somal.

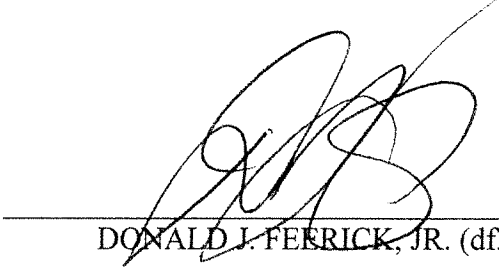
CONCLUSION

18. Based on the foregoing, and the accompanying memorandum of law, Defendants respectfully request that this Court issue for an Order, pursuant to Federal Rules of Evidence Rules

702 and 403, striking the report and preclude the testimony at trial of Plaintiff's purported damages expert, Sameer Somal, in full or in part.

19. I declare under the penalties of perjury that the foregoing is true and correct.

Dated: South Nyack, New York
August 5, 2024



DONALD J. FERRICK, JR. (df3299)

To: All Counsel (*via* ECF)